

CITY of BURIEN
Department of Community Development
Zoning Ordinance Interpretation # 96-03

Subject: Short Plat Street Access

Purpose:

The purpose of this administrative interpretation is to provide clear guidelines to the consideration of appropriate access measures to serve all lots within in short plats as approved in the Burien Municipal Code under Chapter 17.35.

Background:

The Burien Municipal Code in Chapter 17, when taken together with the County's street standards, as adopted pursuant to Ordinance No. 36, contain potentially conflicting requirements regarding the manner in which access should be provided within short plats approved by the City administration pursuant to Chapter 17.35.

Findings:

Interpretation of Chapter 17 should reflect the requirements of state law regarding the approval of subdivisions in short plats as provided in RCW 58.17.

RCW 58.17 provides for two types of divisions of land:

1. Subdivisions which involve the division of land into four or more parcels are to be treated as formal subdivisions requiring City Council approval.
2. RCW 58.17.060 requires the legislative bodies of a city to establish procedures for the administrative approval of short plats that involve less than five acres.

The legislative intent in establishing procedures for a short plat is to provide a means by which minor land divisions can be routinely approved through administrative procedures. The legislative intent appears to recognize that larger subdivisions should be scrutinized through more elaborate formal procedures, which include City Council approval.

The public dedication of land inherently involvement of public resources that should require the review and approval of City Council.

Burien Municipal Code (BMC) provides for three types of divisions of land: short plats, subdivisions, and private street plats.

1. Under Chapter 17.35, short plats may be approved administratively in a manner consistent with the requirements of RCW 58.17.
2. The requirements for processing subdivisions pursuant to Burien Municipal Code Chapters 17.40, 17.45, and 17.55 are consistent with RCW 58.17 provisions relating to formal subdivisions.
3. Burien Municipal Code provides for the creation of private street plats which require City Council approval.
4. City road standards adopted pursuant to Ordinance No. 36 is unclear regarding whether short plats with lots that create more than two lots, but less than five, should be served by public or private streets.

Conclusions:

1. The creation of a street plat pursuant to BMC Chapter 17.30 involves a subdivision of land (as defined by Burien Municipal Code and state law, the creation of five or more lots or the re-division of a previously approved short plat).
2. Short platting is specified by RCW 58.17.060 is exclusively governed by BMC Chapter 17.35, Subdivisions.
3. Lots created within short subdivisions pursuant to BMC Chapter 17.35 shall be served by private access constructed

under the constructed standards specified on page 11 of the King County Road Standards, 1993 edition, provided that a dedicated right of way is not appropriate pursuant to the road standards to provide circulation through the subdivision to other areas.

4. Should administrative review conclude that the creation of a public right of way is appropriate to serve a subdivision, such proposed right of way shall be submitted to the City Council for review prior to the administrative approval of any such short plat pursuant to Burien Municipal Code 17.35.

Authority:

BMC 18.05.090(4) authorizes the Director of Community Development to issue official interpretations of the Zoning Ordinance.

_____ Signature	<u>12/1/96</u> Decision Date
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APPEAL NOTICE:

This decision shall be final unless a Notice of Appeal is filed with the City Clerk within ten days of the date of this decision. The Notice of Appeal shall be accompanied by the appropriate appeal fee and shall be filed and processed in accordance with BMC 2.20.